

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1449 of 2022

1. Poonam Mishra, Wife of Anil Kumar Mishra, Resident of Village-Hari Nagar, Ward No. 13 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Mukhiya of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
2. Kudus Mian, Son of Madho Mian, Resident of Village-Hari Nagar, Ward No. 11 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Up-Mukhiya of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
3. Md. Mukhtar, son of Md. Hanif, Resident of Village-Hari Nagar, Ward No. 10 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Ward Member of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
4. Vilgis Khatoon, Wife of Md. Shahjahan, Resident of Village-Hari Nagar, Ward No. 13 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Ward Member of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
5. Rinku Devi, Wife of Sanjay Mandal, Resident of Village-Hari Nagar, Ward No. 13 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Punch of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
6. Bindeshwar Saday, Son of Chauthi Saday, Resident of Village-Sukhrampur, Ward No. 8, P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Ward Member of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
7. Anil Mishra, Son of Shyam Mishra, Resident of Village-Ahmada Ward No. 9, P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Ward Member of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
8. Aarti Kumari, Wife of Mukesh Kumar Rai, Resident of Village-Hari Nagar, Ward No. 12, P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Ward Member of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
9. Punam Devi Wife of Jireshwar Jha Resident of Village-Hari Nagar, Ward No. 12 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani, Presently Punch of Gram Panchayat Raj, Raghuni Dehat, Block-Raj Nagar, District-Madhubani.
10. Devkant Jha Son of Sri Kant Jha, Resident of Village-Ahmad, Ward No. 8 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani,
11. Anand Kumar Mishra, Son of Udaykant Mishra, Resident of Village-Hari Nagar, Ward No. 12 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani,
12. Pawan Mahtha, Son of Bindeshwar Mahtha, Resident of Village-Hari Nagar, Ward No. 12 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani,
13. Kameshwar Jha, Son of Nand Kumar Jha, Resident of Village-Ahmada,



Ward No. 10, P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani,

14. Lalan Mishra, Son of Yoganand Mishra, Resident of Village-Hari Nagar, Ward No. 11 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani,
15. Pulkit Ram, Son of Gangai Ram, Resident of Village-Ahmada, Ward No. 9 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani,
16. Kusheshar Kamat ,Son of Pachakuri Kamat, Resident of Village-Hari Nagar, Ward No. 13 P.O. Raghuni Dehat, P.S. Raj Nagar, District-Madhubani,

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Joint Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Darbhanga Division, Darbhanga.
5. The District Magistrate, Madhubani. District-Madhubani.
6. The Deputy Development Commissioner, Madhubani, District-Madhubani.
7. The Sub-Divisional Officer, Madhubani Sadar, District-Madhubani.
8. The Block Development Officer, Raj Nagar, District-Madhubani
9. The Circle Officer, Madhubani.
10. Madhubani Municipal Corporation through the Municipal Commissioner, P.O. and P.S. Madhubani, District-Madhubani
11. Sri Rampriti Paswan, Son of Late Latar Paswan. Presently Hon'ble Minister, Department of Public Health and Engineering, Government of Bihar, Patna, Resident of Ward No.2, Santu Nagar, P.O. and P.S. Madhubani, District-Madhubani

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. S.B.K. Manglam, Advocate Mr.Awnish Kumar, Advocate
For the State	:	Mr.Kinkar Kumar,S.C.-9 Mr. Deepika Sharma, A.C. to S.C.-9
For Madhubani Municipal Corporation	:	Mr.Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 28-02-2022 The petitioners have put to challenge a notification dated 28.12.2021, issued under Section 4 of the Bihar Municipal



Act, 2007 (in short “the Act”) by the Urban Development and Housing Department, Government of Bihar declaring its intention to include six wards of Gram Panchayat Raj, Raghuni Dehat within newly constituted Madhubani Municipal Corporation.

The petitioners are said to have filed their objection under Section 5 of the Act. Final notification under Section 6 of the Act has not been issued so far, as stated by Mr. Manglam, learned counsel appearing on behalf of the petitioners.

In our view, this application is premature for the reason that final notification has yet not been issued by the State Government under Section 6 of the Act.

Mr. Manglam, in the aforesaid background, seeks permission to withdraw this application with a liberty to approach this Court in the event a notification is issued under Section 6 of the Act.

This application is dismissed as withdrawn accordingly, with the liberty as sought.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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